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C O N F I D E N T I A L SECTION 01 OF 02 KAMPALA 001344

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TAGS: PGOV PHUM KDEM PREL UG
SUBJECT: UGANDA: PARLIAMENTARY COMMITTEE CHAIRMAN
DISPARAGES ANTI-HOMOSEXUALITY BILL

REF: A. KAMPALA 01271
B. KAMPALA 01323

Classified By: Pol/Econ Chief Aaron Sampson for
reasons 1.4 (b) and (d).

¶11. (C) Summary: The Chairman of the Parliamentary Committee reviewing Uganda's draft anti-homosexuality legislation told PolOffs he is opposed to the bill and that his committee has more important issues to consider. Chairman Stephen Tashobya said the legislation would likely pass if it reaches the full Parliament, that Minister of Ethics Nsaba Buturo is already pressuring him to speed the bill through committee, but that criminalizing homosexuality ranks low on his committee's list of priorities. A decision by Tashobya and fellow committee members to permanently park the bill may be the best solution for human rights groups and President Museveni. End Summary.

Anti-Homosexuality Bill Not a Priority

¶12. (C) On November 24, the Chairman of the Legal and Parliamentary Affairs Committee, Stephen Tashobya, told PolOffs that the anti-homosexuality legislation sponsored by David Bahati as a "private members' bill" (ref. A for background) is not a priority for his committee. The 18-person Legal and Parliamentary Affairs Committee is responsible for overseeing Uganda's Electoral Commission, Justice Ministry, Judicial Services Committee, Department of Public Prosecutions, and the Inspectorate General of Government. Tashobya said his committee is overwhelmed by draft legislation on commercial law and problems relating to the controversial Electoral Commission (ref. B).

¶13. (C) Tashobya's committee is also bracing for the imminent arrival of government-sponsored draft electoral reforms which he must shepherd to the Parliamentary floor in time for them to be debated, ratified, and signed into law by the end of February 2010, i.e. one year before the 2011 presidential election. Tashobya said he rebuffed a request by Minister of Ethics (and outspoken homophobe), Nsaba Buturo, to speed the anti-homosexuality bill through committee in two weeks. Noting that he is a lawyer who attended a U.S.-sponsored workshop on international property rights in early 2009 and recently visited Capitol Hill, Tashobya said he is personally opposed to the bill and does not share Minister Buturo's zeal for criminalizing homosexuality. "In my own view," said Tashobya, "we have a lot more important business to do."

Parliamentary Maneuvers

¶4. (C) Tashobya said the anti-homosexuality bill was assigned to his committee only few days earlier after being originally routed to the Presidential and Foreign Affairs Committee. A member of the Presidential and Foreign Affairs Committee subsequently confirmed that the bill was sent to his committee "in error" as parliamentary staff mistakenly assumed that criminalizing homosexuality was an ethics rather than a legal matter. The Ministry of Ethics under Nsaba Buturo reports to the Presidential and Foreign Affairs Committee.

¶5. (C) Hearings apparently already initiated on the bill by the Chairman of the Presidential and Foreign Affairs Committee were terminated the moment the legislation was transferred to Tashobya. Tashobya would not speculate on when or if the anti-homosexuality bill might reach the Parliamentary floor, but noted that his committee is still considering bills submitted in 2006. He said he doubted that the ruling National Resistance Movement (NRM), of which he is a member, would take a position on the bill as it has broad support and will likely pass even without NRM endorsement if put to a vote before the entire Parliament.

Comment: Doing the Right Thing by Doing Nothing

¶6. (C) Tashobya admitted that he has not yet spoken with human rights groups opposed to the legislation and is eager to educate himself on the matter. We reiterated that the anti-homosexuality bill constitutes a serious step backwards for the protection of human rights in Uganda, and agreed with

KAMPALA 00001344 002 OF 002

him that Uganda has many more important and pressing issues to consider. Tashobya is a thoughtful, open minded, and potentially powerful ally depending on his ability to control a committee composed of three representatives from the Ugandan military, 11 NRM members, two independents, and two opposition members. For the moment, he seems unfazed by pressure from Minister Buturo and other proponents of the legislation. This pressure will likely increase the longer the legislation languishes in committee. Letting the anti-homosexuality bill languish may be the chosen option for those opposing the bill and for President Museveni. Leaving the bill in committee will enable the President to sidestep international condemnation that would accompany the bill's passage, and enable him to avoid killing a bill with apparently overwhelming domestic support.

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